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REPORT

on

The SELDI CONFERENCE

“BUILDING THE RULE OF LAW IN THE BALKANS”

**under the patronage of
the Italian Ministry of Foreign Affairs**

APRIL 7, 2000

ROME

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Background

The Southeast European Legal Development Initiative (SELDI) was created in April, 1999 by the International Development Law Institute, a public international organisation and the Center for the Study of Democracy, a Bulgarian non-governmental organisation. *SELDI* serves as an open framework for cooperation in the legal field by the international community and non-governmental organisations and individuals in the Region, thus contributing to the building of regional stability. Please visit www.seldi.net for more details on SELDI and refer to the Funding Request Memorandum provided to each of the Conference Participants.

Under the *SELDI* arrangements, IDLI serves as the International Secretariat while the CSD serves as the Executive Secretariat.

The conflict in Kosovo and the South Eastern Europe Stability Pact which followed, confirm the relevance of this Initiative and the urgency to translate the *SELDI* mandate into concrete actions.

From April, 1999 until March, 2000 IDLI, the CSD and a number of non-governmental organisations in the SELDI countries designed in detail the first four concrete projects, all with regional approaches. They are:

1. Coalition Building and Monitoring in Anti-Corruption
2. Strengthening of the Judiciary
3. WTO and Trade Development
4. Establishment of a World Bank Distance Learning Center

Other projects will be designed within the *SELDI* framework as put forward by its many cooperating organisations in the region.

The Rome Conference, organised for representatives of the international community to launch the Initiative, had two related objectives:

- To provide the international community with a comprehensive presentation of the Southeast European Legal Development Initiative (SELDI) portfolio and its initial projects;
- and
- To provide a forum for the public announcement of the support for the Initiative of the donor community.

Following is a summary of the proceedings of the Conference¹.

¹ Interested parties may obtain hard copies of the report from IDLI or the CSD.

S O U T H E A S T
E U R O P E A N
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Opening Session

Opening presentations by **Michael Hager**, Director of IDLI, **Minister Giuseppe Cipolloni**, Vice Coordinator of the Stability Pact at the Italian Ministry of Foreign Affairs and **John Tennant**, Deputy Assistant Administrator, Bureau for Europe and Eurasia, US Agency for International Development emphasised the importance of building the rule of law in Southeast Europe. All three referred to the South Eastern Europe Stability Pact itself noting that while the Pact and the SELDI are guiding frameworks, there is an urgent need to implement them. All of the speakers highlighted the key role to be played by non-governmental organisations in this process.

Minister Cipolloni commended IDLI for its prior work and noted the substantial support that the Italian Government has provided to IDLI over the past years. Minister Cipolloni said that Italy's special leadership role within the European context in dealing with the unstable situation in Southern Europe. He noted that Italy is, because of its geography, both the bridge between the Balkans to the rest of Europe and the most vulnerable to the negative results of continued instability and insecurity in the Region. He noted the key role that physical reconstruction will play in Balkan stabilisation and the related actions further to the east in the development of "Corridor Eight". But, he remarked that none of the goals of the Stability Pact will be realised without dealing with the fundamental issues being addressed by the **SELDI**. Without dealing with the phenomenon of corruption, which distorts the political process and helps organised crime flourish, insecurity will reign. Without developing a committed and honest judiciary, citizens will not feel they have a voice in the system. Without creating a more stable environment for trade, the region will not be able to take advantage of the global marketplace which is situated on the Balkan's borders.

Mr Tennant noted with satisfaction the achievements of the Bulgarian *Coalition 2000* initiative on which the **SELDI** anti-corruption project is based, noting the United States' earlier support to *Coalition 2000* and enumerated his Government's support to IDLI in the past in connection with projects in Europe, Asia, Africa and the Middle East. He also announced that the United States had already decided to support to **SELDI**, the concrete terms of which he would discuss in the afternoon session.

Mr. William T. Loris, IDLI Vice Director and Director General Elect, chaired the remainder of the Conference.

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SELDI Overview

Mr. William Loris began the second session with an overview of **SELDI** and was joined in this effort by **Dr. Ognian Shentov**, Director of the Center for the Study of Democracy. The following is a summary of salient remarks.

Background.

SELDI was conceived in late 1998 and grew out of a number of successful projects by IDLI and CSD in Bulgaria and the other countries in the region. A network of partner organisations in all countries concerned has been established. **SELDI** is thus intended to *multiply the effect of public-private coalition building for development throughout the region*. It provides a forum for cooperation among the most active civil society institutions, public figures and government and international agencies in Albania, Bosnia & Herzegovina, Bulgaria, Croatia, FYROM, Greece, Romania, and Turkey. Particular attention is devoted to involving Yugoslav organisations and cooperation with the democratisation efforts in Kosovo. In discussions, which led to **SELDI**'s establishment in April, 1999, its founders noted that while each country in the Region had already taken specific actions to develop the rule of law, there was no forum for collaboration of these efforts at a regional level.

Public-Private Partnership.

SELDI is expected to make a major contribution to the institutionalisation of public-private cooperation in the promotion of the rule of law in Southeast Europe. It is based on the successful implementation of such a partnership established by CSD and IDLI in the framework of *Coalition 2000*, an anti-corruption initiative in Bulgaria. The *innovative approach to combating corruption*, introduced by *Coalition 2000*, has been acknowledged internationally (a recent World Bank Report "The Road To Stability And Prosperity In South Eastern Europe: A Regional Strategy Paper" notes that in the field of anti-corruption/good governance in SEE "there are some groundbreaking attempts by civil society groups, such as Coalition 2000 in Bulgaria, which has developed a common programme of practical actions, with active participation of government and national NGOs"). **SELDI** is an open and transparent process seeking to involve all stakeholders in the region – national and international. A major complementary impact of the Initiative will be the *enhancement of capacity of civil society organisations in the region to collaborate with government institutions* in addressing major reform and development issues in their own countries.

Civil Society Driven Effort. Civil society organisations will be the driving force of **SELDI**. It is distinguished from the other region-wide initiatives in that it seeks to facilitate practical efforts aimed at addressing specific needs and in the *leading role of civil society and private sector institutions* in its implementation. **SELDI** will establish a process

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D E V E L O P M E N T
I N I T I A T I V E

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whereby the input of all concerned institutions in the countries in the region will be incorporated in its work, through a number of local partner organisations, which will serve as an interface to the national institutional environment.

Building Awareness and Monitoring Institutional Change. The monitoring and awareness building activities included in *SELDI* are designed to address the role of public pressure in promoting the rule of law in the region. Results of the regional corruption monitoring system – already in its pilot phase in Bulgaria, FYROM and Albania – are used to encourage “competition” among governments and nations in the region to “outperform” others in establishing a rule of law image. Public perception – and participation – is also of key significance for the success of reforms and will be addressed by awareness instruments with a regional appeal and by publicizing the results of comparative corruption monitoring.

Contributing to Regional Security. The working table on security of the Stability Pact for South Eastern Europe emphasises combating “organised crime, corruption, terrorism and all criminal and illegal activities” as its priority. All of *SELDI*'s components – introducing a public-private framework for combating corruption, promoting judicial reform and cooperation and encouraging the adoption of the rules of international trade – are directly linked to the achievement of this priority. Particularly relevant is the focus on anti-corruption efforts as corruption is the main factor making possible the increasing activities of organised crime and illegal trafficking in goods and people in the region. The promotion of common standards in the work of the judiciary and application of international trade rules will also assist in the creation of an institutional environment favouring security and stability in the region.

S O U T H E A S T
E U R O P E A N
L E G A L
D E V E L O P M E N T
I N I T I A T I V E

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SELDI Project Portfolio

1. Coalition Building and Monitoring in Anti-Corruption.

Boyko Todorov, Director of the Information Center on the Council of Europe, introduced the Coalition Building and Monitoring in Anti- Corruption Project of the **SELDI**.

This project aims to introduce a *region-wide institutional framework for public-private cooperation in countering corruption in the countries of Southeast Europe*. It seeks to contribute to an enhanced cross-country public/civic support and participation for anti-corruption measures. The anti-corruption component of **SELDI** has been discussed and elaborated with regional stakeholders at the *Coalition Building and Monitoring in Anti-Corruption: Strategies and Impact in Central and Eastern Europe* conference held in June 1999 in Varna, Bulgaria and at the *Southeast Europe Anti-Corruption Forum*, held in Sofia on 25-26 February 2000.

The project has four components. Mr Todorov elaborated the first component in *Coalition Building*, which aims to develop a comprehensive strategy for regional public-private cooperation in countering corruption. This component is largely based on the successful experience of *Coalition 2000*. **Alexander Stoyanov**, Director of Research at the Center for the Study of Democracy, presented the *Monitoring* component of the project aimed at introducing a regional anti-corruption watchdog and diagnostic facility. A pilot round of monitoring in Bulgaria, FYROM and Albania has been carried out and the results were discussed. The *Awareness Building* aspect of the project will develop a variety of cross border awareness tools for presenting a coherent message to the public in all countries concerned. The final component of the project focuses on *Training* to a critical number of organisations and individual experts in designing and implementing anti-corruption strategies.

2. WTO and Trade Development

Annet Blank, Senior Programme Legal Counsel at IDLI, introduced the World Trade Organisation and Trade Development Project of **SELDI** in stating the strong position taken by the South Eastern Europe Stability Pact to “...*create vibrant economies based on sound macro policies, markets open to greatly expanded foreign trade and private sector investment and....to foster economic cooperation in the region and between the region and the rest of Europe and the world, including free trade centres*”. Through training seminars, advisory services and training of trainers, the project will create enhanced awareness and understanding of the rules of international trade, particularly WTO Agreements and of relevant regional trade integration agreements. The project will explore the possibilities of creating trade law centre/s in the region as a means of ensuring such accessibility and diffusion of knowledge. The project will identify the actually applied trade regimes (border and non-border measures)

S O U T H E A S T
E U R O P E A N
L E G A L
D E V E L O P M E N T
I N I T I A T I V E

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among the countries of the region and will make such information readily available for the region's economic operators.

As suggested during conference discussions, the strengthening of the negotiating capacity of *SELDI* countries should be a complementary target for the trade component of the Initiative.

3. A World Bank Distance Learning Center

Patrizia Poggi, Consultant in the Environmentally and Socially Sustainable Development Sector in Europe and Central Asia Region for The World Bank presented the concept of the Distance Learning Center as part of a Global Distance Learning Network (GDLN) developed by the World Bank. In this way, the proposed DLC will have instant access to a global knowledge base. It will facilitate the simultaneous provision of courses, seminars, and discussions for a variety of global participants, linked by interactive video, electronic classrooms, satellite communications, and Internet facility. The Center will create a "first node" cost-effective training facility for target groups in the *SELDI* countries for World Bank, IDLI and CSD training programmes, and will create an indigenous capacity to identify and access knowledge needed to improve legal development policies in Southeast Europe.

4. Strengthening of the Judiciary

Mr Loris introduced this project, emphasising the importance of ongoing legal programmes in the countries of the Southeast European region and the necessity to compliment these programmes by fostering collaboration between judges and their training institutions in the region. The project, in relying on IDLI's comparative judicial reform work around the world and the experience of the Judicial Reform Initiative for Bulgaria (www.csd.bg/jri), will introduce a regional programme of workshops and colloquies aimed at creating permanent links between the judges of the region and providing a forum for capacity building in the judiciary and court administrations. This important aspect of cohesion building in the region will not only draw out best practices in the region and from further a field, but also, and perhaps more importantly, build professional relations throughout the region.

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Statements and Observations by the Delegates

In the final session of the conference delegates were given an opportunity to provide their comments on *SELDI* and the individual projects described above. The statements and observations are summarised below.

United States Agency for International Development

The United States Agency for International Development has been supporting *Coalition 2000* since its launch in 1998 and strongly supports *SELDI*. USAID representatives highlighted anti-corruption as the unifying concept of *SELDI*. USAID has promoted the inclusion of *SELDI* in the Pledges for “Quick Start” Stability Pact Regional Projects and Programmes.

USAID pledged immediately available support of U.S.\$400,000 in support of the anti-corruption component of *SELDI*, linked to the subsequent availability of co-financing from other sources. One participant recommended that the costs of the anti-corruption component be reduced and proposed that the Anti-Corruption Proposal be implemented in stages so as to ensure immediate commencement of some of its activities. In concluding, the importance of anti-corruption was emphasised as a fundamental rule of law problem and indeed, a priority for *SELDI*.

United Nations Development Program

The UNDP Special Representative for Post-conflict development in Southeast Europe, Antonio Vigilante and a member of the *SELDI* Steering Board emphasised that *Coalition 2000* incorporates the best international practices and has itself become an international standard. He said that the UNDP recognises that the root cause of problems in the region has not mainly been ethnic hatreds but rather the lack of human security and the incapacity or unwillingness of the States to implement the rule of law. The importance of *SELDI* and its relevance to the objectives of UNDP is reflected in two core concepts, highlighted also by the Stability Pact: rule of law and human development. A commitment was made to present the Initiative to the regional project on Good governance of UNDP with the purpose of exploring the possible coordination with UNDP regional project activities. UNDP will also try to support *SELDI* - an ambitious and well-structured initiative - through its Country Offices network in the region, by ensuring appropriate coordination and collaboration with UNDP ongoing activities.

Government of Canada

The Canadian government representative expressed his positive view of *SELDI*. He said that the report to Ottawa the positive and concrete nature of the Initiative in the context of the overall involvement by Canada in the region. He noted that Canada’s support for activities in the Balkans did not have fixed substantive parameters and that interest in the various projects within the *SELDI* initiative could be of interest in the context of a number of programmes.

S O U T H E A S T
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Government of Austria

The Austrian government representative commented favourably on the Initiative and promised to assist in the identification of sponsors for the project in Austria. The role of the private sector in this process was highlighted.

Council of Europe

Mr. Alexander Seger expressed the Council's keen interest in SELDI and noted that a substantive link with the Council had been established by membership of the Council's Director General of Legal Affairs, Mr. Guy De Vel in the SELDI International Steering Board. Delegated to represent Mr. De Vel in the SELDI Conference, Mr. Seger stressed the need for coordination between SELDI and the other organisations dealing with the issues of corruption and judicial reform. He cited in particular the OECD and the Council of Europe making specific reference to the Stability Pact Anti-corruption Initiative and the Investment Compact. He made a number of suggestions regarding the text of the SELDI Funding Request Memorandum, particularly as concerns reference to the promotion of European standards. Mr. Loris welcomed the notion of close coordination with the Council of Europe in the implementation of the SELDI projects and suggested an early meeting to establish concrete modalities of cooperation.

The Government of Switzerland

The Swiss Government representative stated the desire of his government to continue to support the activities of the International Development Law Institute and said that he would bring *SELDI* to the attention of Bern.

Conference Follow-Up

The first *SELDI* Donors' Conference concluded with unanimous support for the Initiative. It was decided to follow up with contacts with other EU governments, as well as private foundations, to solicit further support for the activities in the SELDI project portfolio.

The *SELDI* International Secretariat will make direct contacts with those represented at the Conference and other potential donors who have expressed an interest in supporting the projects. Work will begin immediately after the Partner Meeting with local Partners in the Southeast European countries.

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A P P E N D I X

Conference Agenda, April 7, 2000

- 10.00** **Opening**
L. Michael Hager, Director, IDLI
Minister Giuseppe Cipolloni, Ministry of Foreign Affairs, Italy
John Tennant, Deputy Assistant Administrator, Bureau for Europe and Eurasia, U.S. Agency for International Development
- 10.40** **The Southeast European Legal Development Initiative**
William T. Loris, Deputy Director, IDLI and **Ognian Shentov**, President, Center for the Study of Democracy (CSD)
- 11.00** **Coffee Break**
- 11.15** **The SELDI Projects and Discussion**
1. Anti-Corruption
1.1. Coalition 2000 Experience – **Boyko Todorov**, Director, Information Center on the Council of Europe, Sofia
1.2. Regional Anti-Corruption Monitoring– **Alexander Stoyanov**, Director of Research, Center for the Study of Democracy
1.3. Coalition Building for Anti-Corruption in SEE - **Boyko Todorov**

2. WTO and Trade Development – **Annet Blank**, Senior Programme Legal Counsel, IDLI.
- 13.30** **Lunch**
- 14.30** 3. World Bank Distance Learning Centre – **Patrizia Poggi**, The World Bank.

4. Strengthening of the Judiciary – **William Loris**, IDLI
- 15.00** **Facilitated Discussion** - The Objectives. Facilitator William Loris.
All participants will be given the opportunity to make observations, suggestions, expressions of support and official statements of endorsement.
- 16.00** **CLOSE**

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Fabrizio Barca

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